

**Notice of Allowability**

Application No.

10/696,659

Examiner

Justin T. Darrow

Applicant(s)

GINTER ET AL.

Art Unit

2132

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed 05/25/2005.
2. ☒ The allowed claim(s) is/are 91-123.
3. ☒ The drawings filed on 10/28/2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                     | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

1. Claims 1-157 have been presented for examination. Claims 1-90 have been canceled and new claims 91-157 have been added in a preliminary amendment filed 10/28/2003. Claims 124-157 have been canceled in an amendment filed 05/25/2005. Claims 91-123 have been examined,

### ***Priority***

2. Acknowledgment is made that the instant application is a continuation of Application No. 10/106,742, filed 03/25/2002, now U.S. Patent No. 6,640,304 B2, which is a continuation of Application No. 09/327,405, filed 06/07/1999, now U.S. Patent No. 6,363,488 B1, which is a continuation of Application No. 08/760,440, filed 12/04/1996, now U.S. Patent No. 5,910,987 A, which is a continuation-in-part of Application No. 08/388,107, filed 02/13/1995, now abandoned.

### ***Information Disclosure Statement***

3. The information disclosure statements (IDSes) filed on 06/10/2005 and 04/15/2005 were filed after the mailing date of the first Office action on 03/24/2005. These submissions are in compliance with the provisions of 37 CFR 1.97(c)(2). Accordingly, the information disclosure statements are being considered by the examiner.

### ***Allowable Subject Matter***

4. Claims 91-123 are allowed.
5. The following is an examiner's statement of reasons for allowance:

Claims 91-118 and 119-123 are drawn to a method and a computer program product, embodied on a computer readable medium, for auditing access to, or other use of, a digital object at a first computer system. The closest prior art, Wyman, U.S. Patent No. 5,260,999 A, discloses a similar method and computer program product. Wyman illustrates:

obtaining a request to access or otherwise use the digital object (see column 23, lines 4-8; figure 5, block 61; making a request allocation call; see column 21, lines 27-32; figure 1, item 17; of license units of a software product);

granting the request to access or otherwise use the digital object in accordance with one or more rules associated with the digital object (see column 23, lines 8-11; figure 5, block 63; granting a license to use the software product; see column 21, lines 54-56; where the license units are allocated or consumed according to the policy statement found on the appropriate product use authorization);

storing audit information relating to the access or other use of the digital object (see column 23, lines 17-19; figure 5, blocks 63 and 66; storing a grant handle if a grant is made; see column 22, lines 26-28; where the grant handle identifies the allocation grant created by this call to request allocation; and

sending at least part of the stored audit information to another computer system remote from the computer system (see column 23, lines 63-66; figure 1, item 23; figure 6, block 85).

However, Wyman neither teaches nor suggests determining that at least a predefined amount of audit information has been stored. This distinct step explicitly recited in independent claims 91 and 119 renders claims 91-118 and 119-123, respectively, allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Telephone Inquiry Contacts*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin T. Darrow whose telephone number is (571) 272-3801, and whose electronic mail address is justin.darrow@uspto.gov. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barrón, Jr., can be reached at (571) 272-3799.

The fax number for Formal or Official faxes to Technology Center 2100 is 571-273-8300. In order for a formal paper transmitted by fax to be entered into the application file, the paper and/or fax cover sheet must be signed by a representative for the applicant. Faxed formal papers for application file entry, such as amendments adding claims, extensions of time, and statutory disclaimers for which fees must be charged before entry, must be transmitted with an authorization to charge a deposit account to cover such fees. It is also recommended that the cover sheet for the fax of a formal paper have printed "**OFFICIAL FAX**". Formal papers transmitted by fax usually require three business days for entry into the application file and consideration by the examiner. Formal or Official faxes including amendments after final rejection (37 CFR 1.116) should be submitted to 571-273-8300 for expedited entry into the

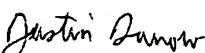
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application file. It is further recommended that the cover sheet for the fax containing an amendment after final rejection have printed not only **“OFFICIAL FAX”** but also **“AMENDMENT AFTER FINAL”**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

August 18, 2005

  
**JUSTIN T. DARROW**  
**PRIMARY EXAMINER**  
**TECHNOLOGY CENTER 2100**